

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:23-CV-00114**

**JOHN DOE,**

**Plaintiff,**

**v.**

**WAKE FOREST UNIVERSITY,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court on non-party John E. Fitzgerald's Motion to Quash Subpoena (Doc. No. 46). To allow the Court sufficient time to fully review Mr. Fitzgerald's motion and a response from Wake Forest University as well as provide an additional opportunity for the parties to confer to resolve this dispute, the Court stays Mr. Fitzgerald's obligation to respond to the subpoena at issue until the Court rules on the pending motion. Further, the Court directs Wake Forest to file a response of no more than five pages in length to the motion on or before May 31, 2023. Following the response, the Court expects to promptly rule on the motion so that whatever discovery is ordered can move forward quickly.

For the guidance of the parties as they confer, and of course subject to consideration of Wake Forest's response, it appears to the Court that the subpoena broadly seeks the production of privileged attorney-client communications and work product that the Court is unlikely to compel (or require to be listed separately in a privilege log, although a summary privilege log may be appropriate). However, to the extent Mr. Fitzgerald has non-privileged communications and materials then those are likely to be ordered to be produced. June 15, 2023, appears to be a reasonable target date for the completion of a response to a properly limited subpoena.

**SO ORDERED ADJUDGED AND DECREED.**

Signed: May 25, 2023



Kenneth D. Bell  
United States District Judge

